

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

MILDRED BALDWIN and DOUGLAS
DYRSSEN SR., on behalf of themselves and
others similarly situated,

Plaintiffs,

vs.

NATIONAL WESTERN LIFE INSURANCE
COMPANY,

Defendant.

Case No.: 2:21-cv-04066-WJE

JOINT NOTICE OF SETTLEMENT AND MOTION TO STAY DEADLINES

Plaintiffs Mildred Baldwin and Douglas Dyrssen Sr. and Defendant National Western Life Insurance Company (“NWL,” collectively with Plaintiffs, the “Parties”), by and through undersigned counsel, respectfully notify this Court that the Parties have reached an agreement in principle to resolve this lawsuit on a classwide basis. The Parties therefore request that this Court stay all deadlines, including the deadline for NWL to answer Plaintiff Mildred Baldwin and Plaintiff Douglas Dyrssen’s Amended Class Action Complaint, pending a ruling on Plaintiffs’ forthcoming motion for preliminary approval of class action settlement. In support of this motion, the Parties show the Court as follows:

1. This action is a putative class action arising from an alleged data breach suffered by NWL.
2. Plaintiff Mildred Baldwin filed this action on February 16, 2021 in the Missouri Circuit Court, 18th Judicial Circuit (Pettis County). NWL timely removed the action to this Court.
3. NWL filed its initial motion to dismiss or transfer on April 26, 2021. *See* Dkt. 13.

4. On May 23, 2021, the Court granted the Parties' Joint Motion for Leave to Amend the Complaint and Set Briefing Schedule. *See* Dkt. 22. In that order, the Court permitted Plaintiff Baldwin to file an amended complaint by June 1, 2021 and to add Plaintiff Dyrssen. The Court further ordered NWL to respond to the amended complaint by July 16, 2021. *See id.*

5. Plaintiffs filed their Amended Class Action Complaint on June 1, 2021 ("Complaint"). *See* Dkt. 31. NWL filed its motion to dismiss the Complaint on July 16, 2021 and briefing on that motion closed on September 10, 2021. *See* Dkts. 36, 46, 49.

6. The Court granted in part and denied in part NWL's motion to dismiss on September 16, 2021. *See* Dkt. 52.

7. On September 22, 2021, the Court granted NWL's unopposed motion for an extension of time to answer the Complaint. *See* Dkt. 54. NWL's answer to the Complaint is currently due on October 26, 2021.

8. Pursuant to the Court's Mediation and Assessment Program, the Parties participated in a mediation before retired United States District Court Judge Wayne Andersen on October 12, 2021. *See* Dkt. 43. At the mediation, the Parties reached an agreement in principle to resolve this action.

9. The Parties are working to draft a comprehensive settlement agreement and to prepare the additional paperwork that will be included in Plaintiffs' forthcoming motion for preliminary approval of the settlement, which Plaintiffs anticipate filing by December 17, 2021.

10. Therefore, to preserve the Parties' resources and allow them to focus on finalizing the settlement, the Parties respectfully request that the Court stay all existing deadlines, including NWL's deadline to answer Plaintiffs' Complaint, pending a ruling on Plaintiffs' forthcoming motion for preliminary approval.

Respectfully submitted this 20th day of October, 2021.

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CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that a true and correct copy of the foregoing was served via CM/ECF, which will serve the same on all counsel of record.

Respectfully submitted this 20th day of October, 2021.

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